

ASIA APPAREL, LLC,  
  
Plaintiff,  
  
v.  
  
GARRETT CUNNEEN and STORM  
JENKINS,  
  
Defendants.

THIS MATTER comes before the court on Defendant's Motion to Dismiss for Failure to Prosecute under Rule 41(b). This was the third motion for dismissal filed by Defendant over the course of nearly a year, and the third motion to which Plaintiff has failed to respond at all, let alone during the prescribed period. Additionally, the Court notes that Plaintiff has not responded to its own counsel's Motion to Withdraw, in which Plaintiff's counsel specifically noted that Plaintiff displayed no interest in further pursuing the matter. As Plaintiff has done nothing to further its case or prevent dismissal since October, 2004, Defendant's motion is GRANTED and the above captioned case is dismissed for failure to prosecute.

**Signed: September 15, 2005**

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

